U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

Privacy Office, Mail Stop 0655

October 22, 2013

EMAIL SENT TO: 6983-78594668@requests.muckrock.com

Shawn Musgrave
MuckRock
DEPT MR 6983
P.O. Box 55819
Boston, MA 02205-5819

Re: 2014-HQFO-00006

Dear Mr. Musgrave:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request and your request for a waiver of all assessable FOIA fees that you originally addressed to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated October 03, 2013. OIG transferred your request to the DHS Privacy Office on October 17, 2013. Because your request was not specifically addressed to this office, your letter was initially sent to OIG for routing and was received by this office on October 17, 2013. Additionally, due to the October 1 - 16, 2013, lapse in appropriations leading to the closure of the government, this office received your request on October 17, 2013.

Specifically, you requested DHS Office of the Chief Information Security Officer, Social Media Risk Assessment Report, May 15, 2012.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

After thoroughly reviewing your letter and request for fee waiver and media status, I have determined that you have not presented a convincing argument that MuckRock is entitled to a blanket waiver of applicable fees.

The DHS FOIA Regulations at 6 CFR § 5.11(k)(2) set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

(1) Whether the subject of the requested records concerns "the operations or activities of the government";

(2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;

(4) Whether the contribution to public understanding of government operations or activities will be "significant";

(5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under FOIA of showing that the fee waiver requirements have been met. Based on my review of your October 03, 2013 letter and for the reasons stated herein, I have determined that your fee waiver request is deficient because the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver and media status request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requesters. As a commercial requester, you will be charged 10 cents per page for duplication, and for search and review time at the per quarter-hour rate ($4.00 for clerical personnel, $7.00 for professional personnel, $10.25 for managerial personnel) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to $25.00. This office will contact you before accruing any further fees.

You have the right to appeal the determination to deny your fee waiver request. Should you wish to do so, you must **send your appeal within 60 days of the date of this letter** to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Mailstop 0655, Washington, D.C. 20528, following the procedures outlined in 6 C.F.R. § 5.9. Your envelope and letter should be marked "Freedom of Information Act Appeal." Copies of FOIA and the Department's FOIA regulations are available at www.DHS.gov/FOIA.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that

one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2014-HQFO-00006**. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

Mia Day

Mia Day
FOIA Program Specialist